



## **CALIFORNIA STATE PERSONNEL BOARD MEETING**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

**SUMMARY MINUTES – JULY 11, 2006**

**SUMMARY MINUTES<sup>1</sup>**

**JULY 11, 2006**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**1. ROLL CALL**

**William Elkins, President**  
**Maeley Tom, Member**  
**Anne Sheehan, Member**  
**Patricia Clarey, Member**

**2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**

The Board was briefed on a list of budget proposals which will be discussed with Agency. The Executive Officer solicited the comments of the Board members and this matter will be taken up again at the August meeting.

**3. REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA)**  
**- DPA Representative**

Daryll Tsujihara gave a brief report on recent activities of the Department of Personnel Administration.

**4. REPORT OF THE CHIEF COUNSEL – Elise Rose**

**Litigation:**

- Elliot vs. CSU/SPB - case comes out of CSU - employee was suspended and demoted. Legal issue is whether or not CSU can still continue with adverse action after having withdrawn a charge of sexual harassment while factual allegations remain the same.

**Other:**

- Administrative Law Judges and legal staff are undergoing training by the National Judicial College on writing judicial decisions.
- Legal staff completed training of SPB staff regarding Public Records Act requests and policy has been distributed.

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<sup>1</sup> The Minutes for the Board Meeting can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

- SPB has been involved in the Plata receivership in providing information to the Receiver and his chief of staff pertaining to physician discipline process.
- Evelyn Mateucci, Chief Counsel of Agency, is on loan now to CDCR legal department for a 30 - 60 day period.
- SPB has a new Law Clerk on board, Nicholas Knight.

**5. NEW BUSINESS – Maeley Tom**

Member Maeley Tom gave a brief report on recent activities of the Public Employees Retirement System.

**6. REPORT ON LEGISLATION – Sherry Evans**

**NONE**

**7. HEARING – Public Hearing Regarding State Employment Application (STD. 678 (Rev/ 12/2001))**

**- Bruce Monfross, California State Personnel Board**

Members of the public were invited to discuss whether the Instructions section of the state employment application, pursuant to Richard Toby (2001) SPB Dec. No. 01-04, should clarify whether employees who have been rejected during their probationary period be required to answer “Yes” to Question No. 5 of the employment application.

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**8. ORAL ARGUMENT**

Oral argument in the matter of **PRECILLA CALAUNAN, CASE NO. 05-1737RPA**. Appeal from dismissal. Psychiatric Technician Assistant. Department of Developmental Services.

Persons Participating:

Terry Slover, Labor Relations Specialist, Department of Developmental Services,  
representing respondent

Ben Allamano, Attorney, representing appellant

**ACTION: SUBMITTED**

**9. ORAL ARGUMENT**

Oral argument in the matter of **PAUL CHATHAM, CASE NO. 05-1287A & SARAH WIRTH, CASE NO. 05-1599A**. Appeal from five percent reduction in salary for six months and two work days suspension. Correctional Lieutenant and Correctional Sergeant. Department of Corrections and Rehabilitation.

Persons Participating:

Dennis DeFelice, Staff Counsel, Department of Corrections and Rehabilitation,  
representing respondent

Katherine Hart, Attorney, representing appellant Paul Chatham

Chris Howard, Staff Legal Counsel, California Correctional Peace Officers  
Association (CCPOA), representing appellant Sarah Wirth

**ACTION: SUBMITTED**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**10. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND  
OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**11. INFORMATIONAL BRIEFING – PSYCH SCREENING**

- **Jim Tilton, California Department of Corrections and Rehabilitation**
- **Sandra Duveneck, California Department of Corrections and Rehabilitation**
- **Sherrill Leake, Ph. D., California State Personnel Board**

The SPB conducts required psychological screening for state safety employees, including correctional officers. This briefing discussed ways in which the hiring process for correctional officers may be expedited given the urgent hiring need for more correctional officers.

**12. INFORMATIONAL BRIEFING – CPS HUMAN RESOURCE SERVICES**

- **Jerry Greenwell, Chief Executive Officer, CPS Human Resource Services**

Jerry Greenwell gave a brief report on recent activities of CPS.

July 11, 2006

**13. INFORMATIONAL BRIEFING – CEA POSITIONS IN STATE CIVIL SERVICE**

- **Jennifer Roche, California State Personnel Board**
- **Karen Coffee, California State Personnel Board**

Jennifer Roche and Karen Coffee briefed the five-member State Personnel Board on Career Executive Assignment (CEA) positions in State Civil Service.

**14. STATE PERSONNEL BOARD HEROES**

- **Laura M. Aguilera, California State Personnel Board**
- **Karen Coffee, California State Personnel Board**

SPB staff showed their appreciation to the following individuals who have partnered with SPB this past year and who have helped to make it possible for SPB to move forward with critical civil service reform efforts.

- Mitch Coppin, Commission on Peace Officer Standards and Training
- Claudina Nevis, State CIO's Office
- Caroline Cabias, State CIO's Office
- Margarita Maldonado, Service Employees International Union, Local 1000
- Mary Hernandez, Service Employees International Union, Local 1000
- Karen Lynch, Department of Personnel Administration
- Daryll Tsujihara, Department of Personnel Administration
- Clark Kelso, State CIO

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**15. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**16. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]  
(See Action Taken on Pages 11–17)

**17. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e)(1) and 18653.]

Connerly v. State Personnel Board, California Supreme Court,  
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

**18. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]  
- Implementation of AB 124

**19. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653.]  
- Implementation of AB 124

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**20. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF  
JULY 25, 2006, IN SACRAMENTO, CALIFORNIA**

**NONE**

**BOARD ACTIONS:**

**21. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF  
JUNE 6, 2006**

**ACTION: ADOPTED**

VOTE: Elkins, Tom, Sheehan, Clarey – Aye

**22. EVIDENTIARY CASES**

**ACTION: See Case Listings on Pages 11–20**

**23. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE  
SECTION 18671.1 EXTENSION - (See Minutes on Pages 28–29)**

**ACTION: ADOPTED**

VOTE: Elkins, Tom, Sheehan, Clarey – Aye

**24. NON-EVIDENTIARY CASES**

**ACTION: See Case Listings on Pages 20–25**

**25. NON-HEARING CALENDAR**

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On July 11, 2006, the following proposals were presented to the Board by Karen Coffee, Chief, Merit Employment and Technical Resources Division, California State Personnel Board.

**ACTION: ADOPTED**

**VOTE: Elkins, Tom, Sheehan, Clarey – Aye**

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE**

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes.

<b>Title</b>	<b>Class Code</b>
Service Assistant (Toll Collection)	1709
CalTRANS Accounting Administrator IV	6776
Labor Compliance Officer Division of Highways	9503
Senior Highway Outdoor Advertising Inspector	8850
Senior Legislative Clerk	1319
Operations Security Officer	4230
Calculating Machine Operator – Key Driven	1433
Service Assistant – EDP Operations	1356
*Supervising Aviation Consultant	5626

*\* Indicates classes which are part of a class series. Only the classifications listed above will be abolished.*

**26. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE PRESENTED**

**27. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**CHIEF COUNSEL**

The California Children and Families Commission (CCFC) proposes to allocate the above position to the CEA category. The Chief Counsel will provide legal interpretations, analysis and advise to the Commission and Executive Director on legal issues as they affect the overall policies of the Commission.

**CHIEF COUNSEL**

The California Department of Aging proposes to allocate the above position to the CEA category. The Chief Counsel will provide counsel and policy direction to the Executive Staff; Long-Term Care and Aging Services Program; Community Based Services Program; Adult Day Health Care Program (Medi-Cal provider certification); Multipurpose Senior Services Program (Medi-Cal Waiver); Health Insurance Counseling and Assistance Program (HICAP); State Long-Term Care Ombudsman; and Administrative Services.

**CHIEF, FOOD STAMP BRANCH, WELFARE TO WORK DIVISION**

The Department of Social Services proposes to allocate the above position to the CEA category. The Chief, Food Stamp Branch directs the policy development, application and maintenance of uniform, statewide, programmatic and fiscal procedures related to the eligibility determination and employment services components of the Food Stamp Program assignments within the Branch.

**SENIOR SCIENCE AND POLICY ADVISOR**

The California Department of Food and Agriculture (CDFA) proposes to allocate the above position to the CEA category. The Senior Science and Policy Advisor will influence the future development of environmental policy, bio-technical policy, and the State's promotion of California.



**DEPUTY DIRECTOR, OFFICE OF PROBLEM GAMBLING**

The Department of Alcohol and Drug Programs proposes to permanently establish the above position to the CEA category. The Deputy Director, Office of Problem Gambling was approved to the CEA Category November 30, 2004 for a one year period. On November 29, 2005, SPB granted a one-year extension for the position. The Deputy Director, Office of Problem Gambling is responsible for the effective management, planning, direction, oversight, and policy development of statewide strategies to address the evolving needs of problem gambling, including intervention, prevention, and treatment services.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**CHIEF, OFFICE OF BUSINESS MANAGEMENT BRANCH**

The Department of Motor Vehicles proposal to allocate the above position to the CEA category has been approved effective June 7, 2006.

**CHIEF OF OPERATIONS**

The Department of Motor Vehicles proposal to allocate the above position to the CEA category has been approved effective June 7, 2006.

**DEPUTY DIRECTOR, SECURITY MANAGEMENT DIVISION**

The Department of Technology's proposal to allocate the above position to the CEA category has been approved effective June 2, 2006.

**ADMINISTRATIVE SERVICES DIVISION**

The Prison Industry Authority's proposal to allocate the above position to the CEA category has been disapproved effective May 24, 2006.

**ACTION: NOTED**

**28. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**29. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**Annual Report to the Legislature – 2005 Discrimination Complaint Activity in the State Civil Service**

This report is prepared to comply with Government Code Section 19702.5(c), which requires the Board to annually report to the Legislature on discrimination complaint activity in the state civil service. State Departments are required to submit information to the Board on a quarterly basis. The EEO Office of each department typically provides the data. The information requested includes internal formal and informal discrimination complaints as well as formal complaints filed directly with the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission. In addition, Appeals cases involving discrimination are also integrated into this report.

**ACTION: APPROVED**

**30. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE**

**31. BOARD ACTIONS ON SUBMITTED ITEMS**

**ACTION: See Minutes on Pages 26–27**

**A D J O U R N M E N T**

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 22 – 24 AS NOTED.**

**22. EVIDENTIARY CASES**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**A. BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting.

On July 11, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Tom, Sheehan, Clarey – Aye

**(1) ALEJANDRO GILL, CASE NO. 05-0054RA**

Appeal for dismissal

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected January 6, 2006.

Oral argument heard May 2, 2006, Los Angeles.

Case ready for decision by FULL Board

**NO ACTION**

**(2) JUDY JOHNSON, CASE NO. 05-1367A**

Appeal from automatic resignation

**Classification:** Motor Vehicle Field Representative

**Department:** Department of Motor Vehicles

Proposed decision rejected February 21, 2006.

Oral argument (written record) submitted May 2, 2006, Los Angeles.

Case ready for decision by FULL Board.

**NO ACTION**

**(3) RICK OCHOA, CASE NO. 04-2373BA**

Appeal for determination of back salary, benefits and interest

**Classification:** Youth Correctional Officer

**Department:** Department of the Youth Authority

Proposed decision rejected January 24, 2006.

Oral argument heard April 4, 2006, Sacramento.

Case ready for decision by FULL Board

**ACTION:** The Board issued a non-precedential Decision, finding that the appellant is entitled to an award of interest on the back pay already paid to the appellant as a result of the settlement agreement entered into between the appellant and the Department of Corrections and Rehabilitation.

**(4) EDUARDO PEREZ, CASE NO. 05-0763A**

Appeal from five percent reduction in salary for six months

**Classification:** Parole Agent I (Adult Parole)

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected November 1, 2005.

Oral argument (written record) submitted May 2, 2006,  
Los Angeles.

Case ready for decision by FULL Board.

**ACTION:** The Board issued a Resolution adopting the Proposed Decision of the Administrative Law Judge, but modifying the disciplinary action taken against the appellant in his position as a Parole Agent I with the Department of Corrections and Rehabilitation from a five percent reduction in salary for six months to a five percent reduction in salary for two months.

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases were on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

On July 11, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Tom, Sheehan, Clarey – Aye

- (1) **PRECILLA CALAUNAN, CASE NO. 05-1737RPA**  
Appeal from dismissal  
**Classification:** Psychiatric Technician Assistant  
**Department:** Department of Developmental Services  
**ACTION: SUBMITTED**

- (2) **PAUL CHATHAM, CASE NO. 05-1287A**  
**SARAH WIRTH, CASE NO. 05-1599A**  
Appeal from five percent reduction in salary for six months and two work days suspension  
**Classification:** Correctional Lieutenant and Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: SUBMITTED**

**C. CHIEF COUNSEL RESOLUTIONS**

On July 11, 2006, the Board took the following action on the cases listed presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Tom, Sheehan, Clarey – Aye

- (1) **CHRISTOPHER FLYNN, CASE NO. 05-1733**  
Appeal from rejection from probation  
**Classification:** Registered Nurse CF  
**Department:** Department of Corrections and Rehabilitation  
Request for Order to show cause against the Department of Corrections and Rehabilitation for failure to comply with Board Order.  
**ACTION:** The Board issued a Resolution granting, in part, the appellant's request for an Order to Show Cause against the Department of Corrections and Rehabilitation, and directing the Department to immediately reinstate the appellant to the classification of Registered Nurse (Correctional Facility), and to pay the appellant all back salary and benefits owed to him as a result of the Board's March 21, 2006, Decision that revoked the appellant's rejection during probation.

**(2) HABTNESH EZRA, CASE NO. 05-1286**

Appeal from 30 work days suspension

**Classification:** Nurse Evaluator II, DHS

**Department:** Department of Health Services

Withdrawal of action or appeal

**ACTION:** The Board issued a Resolution revoking the Proposed Decision that found that the appellant had withdrawn her appeal from 30 working days suspension in the position of Nurse Evaluator II with the Department of Health Services, and rescheduled the case for a hearing before a different Administrative Law Judge. The Board also denied the appellant's request for a stay of the proceedings until completion of her civil trial in the Los Angeles County Superior Court.

**COURT REMANDS**

This case has been remanded to the Board by the court for further Board action.

**(3) ANTHONY GUBLER, CASE NO. 03-2774**

Appeal from dismissal

**Classification:** Officer

**Department:** California Highway Patrol

**ACTION:** The Board issued a non-precedential Decision, sustaining appellant's dismissal.

**STIPULATIONS**

NONE

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These were ALJ's proposed decisions submitted to the Board for the first time.

On July 11, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Tom, Sheehan, Clarey – Aye

**(1) TODD ACOSTA, CASE NO. 05-3444**

Appeal from dismissal

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

- (2) **JOHN CALINDAS, CASE NO. 06-0287**  
Appeal from five percent reduction in salary for one year  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board rejected the ALJ's proposed Decision dismissing the adverse action and remanded the case to a different ALJ.
- (3) **BECKY CHIRIGOTIS, CASE NOS. 05-2115E, 05-2275 and 05-3110**  
Appeal from reasonable accommodation complaint, five working days' suspension and 20 working days' suspension  
**Classification:** Program Technician II  
**Department:** Employment Development Department  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the five working days' suspension and sustaining the 20 working days' suspension.
- (4) **GREG DALLMAN, CASE NO. 05-0137**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (5) **ERIC FERREIRA, CASE NO. 05-2888**  
Appeal from dismissal  
**Classification:** Staff Services Analyst  
**Department:** Department of Consumer Affairs  
**ACTION:** The Board adopted the ALJ's Proposed Decision revoking the dismissal.
- (6) **DEYANIRA MOLINA, CASE NO. 05-1567**  
Appeal from dismissal  
**Classification:** Housing Finance Specialist  
**Department:** California Housing Finance Agency  
**ACTION:** The Board rejected the ALJ's Proposed Decision modifying the dismissal.
- (7) **EULALIO MONCADA, CASE NO. 05-0668**  
Appeal from demotion  
**Classification:** Inspector of Automotive Equipment  
**Department:** Department of General Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the demotion.

July 11, 2006

- (8) **THOMAS PIPES, CASE NO. 04-2839**  
Appeal from dismissal  
**Classification:** Teacher (High School-Physical Education)  
(Correctional Facility)  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (9) **GLORIA ROBLEDO, CASE NO. 06-0049**  
Appeal from five percent reduction in salary for 12 months  
**Classification:** Correctional Lieutenant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision revoking the reduction in salary.
- (10) **BRIAN SHURTLEFF, CASE NO. 06-0050**  
Appeal from five percent reduction in salary for three months  
**Classification:** Plant Quarantine Supervisor I  
**Department:** Department of Food and Agriculture  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.
- (11) **SHERRI VAN DUYN, CASE NO. 05-1605**  
Appeal from dismissal  
**Classification:** Material and Stores Supervisor I  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision modifying the dismissal.
- (12) **GERALD WILLIAMS, CASE NO. 04-1783**  
Appeal for reinstatement  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision denying the appeal.

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING**

NONE

**PROPOSED DECISIONS AFTER BOARD REMAND**

- (13) **FELIX RAYGOZA, CASE NO. 05-1577R**  
Appeal from dismissal  
**Classification:** Motor Vehicle Field Representative  
**Department:** Department of Motor Vehicles  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.



**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On July 11, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Tom, Sheehan, Clarey – Aye

- (1) CLAIRE HAMILTON, CASE NO. 02-2951P**  
Appeal from whistleblower retaliation complaint  
**Classification:** Staff Services Analyst  
**Department:** Exposition and State Fair  
**ACTION:** Petition for rehearing denied.
- (2) RAYMOND HOLM, CASE NO. 05-0512P**  
Appeal from demotion  
**Classification:** Fire Captain  
**Department:** Department of Forestry and Fire Protection  
**ACTION:** Petition for rehearing denied.
- (3) REVONNA ROPER, CASE NO. 03-2724P**  
Appeal from rejection during probation  
**Classification:** Personnel Technician I  
**Department:** Department of Transportation  
**ACTION:** Petition for rehearing denied.
- (4) STEPHANIE WILSON, CASE NO. 05-1880P**  
Appeal from ten percent reduction in salary for six months  
**Classification:** Fire Apparatus Engineer  
**Department:** Department of Forestry and Fire Protection  
**ACTION:** Petition for rehearing denied.

**WHISTLEBLOWER NOTICE OF FINDINGS**

NONE

**F. PENDING BOARD REVIEW**

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

On July 11, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Tom, Sheehan, Clarey – Aye

**(1) DANNY BROWN, CASE NO. 05-2209A**

Appeal from dismissal

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected April 4, 2006.

Pending oral argument August 8-9, 2006, Los Angeles

**NO ACTION**

**(2) PRECILLA CALAUNAN, CASE NO. 05-1737RPA**

Appeal from dismissal

**Classification:** Psychiatric Technician Assistant

**Department:** Department of Developmental Services

Petition for Rehearing granted March 8, 2006.

Pending oral argument July 11-12, 2006, Sacramento.

**ACTION: SUBMITTED**

**(3) PAUL CHATHAM, CASE NO. 05-1287A**

**SARAH WIRTH, CASE NO. 05-1599A**

Appeal from five percent reduction in salary for six months and two work days suspension

**Classification:** Correctional Lieutenant and Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected May 2, 2006.

Pending oral argument July 11-12, 2006, Sacramento.

**ACTION: SUBMITTED**

**(4) JACK FRIEDMAN, M.D., CASE NO. 05-2596A**

**JOHN S. COLOCOUSIS, M.D., CASE NO. 05-2592A**

Appeal from formal reprimand and formal reprimand and five work days suspension

**Classification:** Physician and Surgeon, Correctional Facility

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected June 6, 2006.

Pending transcript.

**NO ACTION**

July 11, 2006

**(5) GAIL GARCIA, CASE NO. 05-3030A**

Appeal from constructive demotion

**Classification:** Office Technician

**Department:** Department of Developmental Services

Proposed decision rejected May 2, 2006.

Pending oral argument August 8-9, 2006, Los Angeles.

**NO ACTION**

**(6) RAYMOND GURULE, CASE NO. 05-1351A**

Appeal from dismissal

**Classification:** Youth Correctional Officer

**Department:** Department of the Youth Authority

Proposed decision rejected April 4, 2006.

Pending oral argument August 8-9, 2006, Los Angeles.

Pending oral argument September 5-6, 2006, Sacramento.

**NO ACTION**

**(7) LEE KENDRICK, CASE NO. 04-1620PA**

Appeal from dismissal

**Classification:** Transportation Surveyor

**Department:** Department of Transportation

Petition for Rehearing granted April 4, 2006.

Pending oral argument August 8-9, 2006, Los Angeles.

**NO ACTION**

**(8) CHAD LOOK, CASE NO. 04-1789APB**

Appeal for back pay

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected June 21, 2006.

Pending transcript.

**NO ACTION**

**(9) TIFFANY MIRANDA, CASE NO. 05-4330A**

Appeal from dismissal

**Classification:** Custodian Supervisor II

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected June 21, 2006.

Pending transcript.

**NO ACTION**

**(10) JONATHAN SILVERMAN, CASE NO. 05-0078A**

Appeal from dismissal

**Classification:** Workers' Compensation Payroll Auditor

**Department:** State Compensation Insurance Fund

Proposed decision rejected May 23, 2006.

Pending transcript.

**NO ACTION**

**(11) RAYMOND SLEDGE, CASE NO. 04-2809PA**

Appeal from dismissal

**Classification:** Youth Correctional Counselor

**Department:** Department of the Youth Authority

Petition for Rehearing granted March 8, 2006.

Pending oral argument August 8-9, 2006, Los Angeles.

**NO ACTION**

**(12) JAMES STEED, CASE NO. 05-0207PA**

Appeal from constructive medical suspension

**Classification:** Facility Captain

**Department:** Department of Corrections and Rehabilitation

Petition for Rehearing granted March 8, 2006.

Pending oral argument August 8-9, 2006, Los Angeles.

**NO ACTION**

**24. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

On July 11, 2006, the Board adopted as indicated below the following items as presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Elkins, Tom, Sheehan, Clarey – Aye

- (1) LISA BOOCKS, CASE NO. 05-1968**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnished inaccurate information and omitted pertinent information.  
**ACTION: DENIED**
- (2) ANGEL CASTANEDA, CASE NO. 05-1763**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and had a negative employment record.  
**ACTION: DENIED**
- (3) CHEMELIA CRIBBS, CASE NO. 05-2107**  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections & Rehabilitation  
**Issue:** Suitability, omitted pertinent information, furnished inaccurate information, had a negative employment and driving record and non-compliance issues.  
**ACTION: DENIED**
- (4) RICHARD ELLIS, JR., CASE NO. 05-1608**  
**Classification:** Youth Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; a negative driving record and failure to meet legal obligations.  
**ACTION: DENIED**
- (5) JOSEPH GARCIA, CASE NO. 05-2108**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections & Rehabilitation  
**Issue:** Suitability; furnished inaccurate information and a negative employment record.  
**ACTION: DENIED**

July 11, 2006

- (6) **SANTIAGO GONZALEZ, CASE NO. 05-2109**  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections & Rehabilitation  
**Issue:** Suitability; negative law enforcement contacts, negative driving and failure to meet legal obligations.  
**ACTION: DENIED**
- (7) **SANDY KAMEI, CASE NO. 05-1981**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; a negative employment record.  
**ACTION: DENIED**
- (8) **JOSHUA MAHANEY, CASE NO. 05-1982**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections & Rehabilitation  
**Issue:** Suitability; omitted pertinent information and a negative driving record.  
**ACTION: DENIED**
- (9) **HENRY MEIER, CASE NO 05-1883**  
**Classification:** Youth Correctional Officer  
**Department:** Department of Corrections & Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and had a negative employment record.  
**ACTION: DENIED**
- (10) **ANDRES PARTIDA, CASE NO. 05-1391**  
**Classification:** Youth Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnished inaccurate information and had a negative driving and employment record.  
**ACTION: DENIED**
- (11) **FERNANDO PITONES, CASE NO. 05-1896**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnished inaccurate information.  
**ACTION: DENIED**
- (12) **HILDEGARD RAMSEY, CASE NO. 05-0596**  
**Classification:** Medical Technical Assistant-Psychiatric (MTA-P)  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; a negative employment record.  
**ACTION: DENIED**

- (13) **GUSTAVO SANCHEZ, CASE NO. 05-2292**  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information, had a negative employment and driving record and non-compliance with legal obligations.  
**ACTION: DENIED**
- (14) **ROBERT SHARPE, CASE NO. 05-1168**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information, a negative employment and driving record and arrest/conviction record.  
**ACTION: DENIED**
- (15) **SANDRA SIMPSON, CASE NO. 05-1673**  
**Classification:** Medical Technical Assistant-Psychiatric (MTA-P)  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information.  
**ACTION: DENIED**
- (16) **VINCENT STANLEY, CASE NO. 05-1916**  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections & Rehabilitation  
**Issue:** Suitability; furnished inaccurate information, had a negative employment record and failed to meet his legal obligations.  
**ACTION: DENIED**
- (17) **JEFFERY WALTRIP, CASE NO. 05-1686**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, negative law enforcement contacts and arrest/conviction record.  
**ACTION: DENIED**
- (18) **MARLON WASHINGTON, CASE NO. 05-1685**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and a negative employment record.  
**ACTION: DENIED**

- (19) **TERRELL WHITE, CASE NO. 05-1918**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.  
**ACTION: DENIED**
- (20) **MATTHEW WIGGINS, CASE NO. 05-2291**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; education claims.  
**ACTION: DENIED**
- (21) **JOHNNY WILLIAMS, CASE NO. 05-1915**  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, negative driving, military record, negative law enforcement contacts, arrest/conviction record and failure to meet legal obligations.  
**ACTION: DENIED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases were heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

On July 11, 2006, the Board adopted as indicated below the following items presented by Laura M. Aguilera, California State Personnel Board.

VOTE: Elkins, Tom, Sheehan, Clarey – Aye

- (1) **LISA COSME, CASE NO. 05-1133**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Appellant disqualified from employment as a Correctional Officer.  
**ACTION: DENIED**

**C. EXAMINATION APPEALS  
MINIMUM QUALIFICATIONS  
MERIT ISSUE COMPLAINTS**

**NONE**



**D. RULE 211 APPEALS**  
**RULE 212 OUT OF CLASS APPEALS**  
**VOIDED APPOINTMENT APPEALS**

**NONE**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

On July 11, 2006, the Board adopted as indicated below the following items presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Elkins, Tom, Sheehan, Clarey – Aye

- (1) JILL ABERNATHY, CASE NO. 05-0036**  
**Classification:** Landscape Maintenance Worker  
**Department:** Department of Transportation  
**Issue:** The charging party requests to file charges against employees of the Department of Transportation  
**ACTION: DENIED**

**PETITIONS FOR REHEARING CASES**

**NONE**

**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**NO ACTION**

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**NO ACTION**

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**NO ACTION**

**6. RICK OCHOA, CASE NO. 04-2373B**

Appeal for determination of back salary, benefits and interest. Youth Correctional Officer. Department of the Youth Authority. (Oral argument held April 4, 2006.)

**ACTION:** The Board issued a non-precedential Decision, finding that the appellant is entitled to an award of interest on the back pay already paid to the appellant as a result of the settlement agreement entered into between the appellant and the Department of Corrections and Rehabilitation.

**7. ALEJANDRO GILL, CASE NO. 05-0054RA**

Appeal from dismissal. Correctional Officer. Department of Corrections and Rehabilitation. (Oral argument held May 2, 2006.)

**NO ACTION**

**8. JUDY JOHNSON, CASE NO. 05-1367A**

Appeal from automatic resignation. Motor Vehicle Field Representative. Department of Motor Vehicles. (Oral argument, Written Record submitted May 2, 2006.)

**NO ACTION**

**9. EDUARDO PEREZ, CASE NO. 05-0763A**

Appeal from five percent reduction in salary for six months. Parole Agent I (Adult Parole). Department of Corrections and Rehabilitation. (Oral argument, Written Record submitted May 2, 2006.)

**ACTION:** The Board issued a Resolution adopting the Proposed Decision of the Administrative Law Judge, but modifying the disciplinary action taken against the appellant in his position as a Parole Agent I with the Department of Corrections and Rehabilitation from a five percent reduction in salary for six months to a five percent reduction in salary for two months.

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

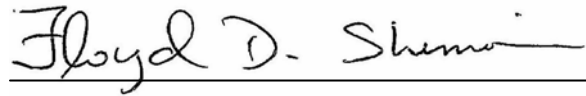
**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on July 11, 2006.

VOTE: Elkins, Tom, Sheehan, Clarey – Aye

A handwritten signature in black ink, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd Shimomura  
Executive Officer  
California State Personnel Board